

REMARKS

Claims 1-3 and 6-10 are all the claims pending in the application. By this Amendment, claims 1-3 are herein amended. Claim 1 is amended to further clarify the invention. Claims 2 and 3 are editorially amended to fix minor informalities; these editorial amendments do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 2 and 3 were not made for reasons of patentability. In addition, Applicant cancels claims 4 and 5.

Finally, in order to provide more varied protection, Applicant adds claims 6-10. Claims 6-10 are clearly supported throughout the specification, *e.g.*, Fig. 1, pages 11-14 and 17 of the specification.

Preliminary Matters

As a preliminary matter, the Examiner has acknowledged the claim to foreign priority and confirmed that the certified copy of the priority document was received. In addition, the Examiner initialed and returned forms PTO/SB/08 A & B submitted with Information Disclosure Statements filed on October 27, 2003.

The Examiner, however, objected to the Drawings for failure to label Fig. 2 – prior art –. The drawings have been amended to remedy this situation. Replacement Drawing labeling Fig. 2 “related art” is accompanying this response. As a result, the Examiner is respectfully requested to acknowledge receipt and indicate approval of the drawing correction in the next Patent Office paper.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/692,674

Attorney Docket No. Q78062

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawing contains the following change:

In Fig. 2 the “related art” label has been added

Attached: One Replacement Sheet (1)

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner rejected 1 and 4 under section 112, second paragraph for indefiniteness. Claim 4 has been canceled. Independently, Applicant has amended claim 1 for clarity and improved conformity with the U.S. practice. This coincidentally overcame all of the Examiner's problems with the claims. Therefore, Applicant respectfully requests the Examiner to withdraw this rejection to the claims.

Prior Art Rejections

With regard to the prior art rejections, Applicant respectfully traverses these rejections in view of the following comments. Claims 1-5 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2002/0001028 A1 to Mori et al. (hereinafter "Mori") and under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent no. 6,499,893 to Harada et al. (hereinafter "Harada").

The Examiner contends that Mori and Harada teach each feature of the independent claim 1. These rejections are not supportable for at least the following reasons. Claim 1 is the only independent claim. First, claim 1 recites "wherein said laser exposing unit and said heat development unit are positioned adjacent to each other on a horizontal plane at a position where said mounting tray is below the laser exposing unit and the heat development unit."

In the image-recording apparatus of Mori and Harada, as illustrated in Fig. 3, the optical recording section 16 is above the casing section 14. Similarly, the thermal developing section 18 and the optical fixing section 20 are above the optical recording section 16, and the receiver section 22 is above the optical fixing section 20 (Fig. 3; ¶ 68 of Mori and Fig. 3; col. 8, lines 10 to 29 of Harada). In other words, both references teach that the thermal developing section is

above the optical recording section. That is, both references fail to teach or suggest having the thermal developing section and the optical recording section being adjacent to each other on a horizontal plane. That is, Harada and Mori fail to teach or suggest shortening the transport path by positioning the two sections next to each other on the horizontal plane.

In summary, the deficiencies of the Mori and Harada references fall to the Examiner's burden to show inherent inclusion of the claim elements. Therefore, for all the above reasons, independent claim 1 is patentable. Claims 2 and 3 and new claims 8-10 are patentable at least by virtue of their dependency on claim 1.

New Claims

In order to provide more varied protection, Applicant adds claims 6-10. Claim 6 is patentable at least by virtue of its recitation of "a supporting plate supporting the recording material in the laser exposing unit and two depressing rollers depressing the recording material, pressing the recording material against the supporting plate in the laser exposing unit, wherein said mounting tray is below the laser exposing unit and the heat development unit and wherein the supporting plate has a front and rear edges tapered bending front and rear edges of the recording material." Claim 7 is patentable at least by virtue of their dependency on claim 6.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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